IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Bail Appl..No. 80 of 2007()

CRIME NO. 536/06 OF ARANMULA POLICE STATION

PETITIONERS/ACCUSED NO.1 & 2

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1. ANOOP, S/O. KUMARAN,
MANAPPURATHU VEETIL, KARAMVELI MURI,
MALLAPPUZHASSERI VILLAGE.

2. BABU, S/O. JANARDHANAN,
MADATHIL VEEDU, PUNNAKKAD P.O.,
MALLAPPUZHASSERI VILLAGE.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS: COMPLAINANT & STATE

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1. S.I. OF POLICE,
ARANMULA POLICE STATION.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 80 of 2007

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DATED: 10-01-2007

O R D E R

Petitioners who are accused Nos. 1 and 2 in Crime No, 536/06 of Aranmula Police Station for offences punishable under Sections 8(1) and (2) of the Abkari Act for allegedly having been found in joint possession of 1 ½ liters of illicit arrack, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature. It is too early to accept the petitioners contention that they were falsely implicated by the police. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate concerned and file an application for regular bail within two weeks from today the same shall be considered and disposed of preferably on the same date on which it is filed after considering the submission of the petitioners that on the date and time alleged by the prosecution a detection could not have been made. It is open to the petitioners to place all relevant records before the Magistrate who shall take into consideration the submission of the petitioners before disposing of the bail application.

This Application is disposed of accordingly.

V.RAMKUMAR, JUDGE.

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